IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

W.P(C).No. 37284 of 2007(L)

PETITIONERS:
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1. **SEBASTIAN V.A.,**
   VADAKETHALA HOUSE,
   AVINISSERY P.O., THRISSUR.

2. **JIJU C.F.,**
   CHEENICKAL HOUSE,
   P.O. NEDUPUZHA, THRISSUR.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:
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1. **THE TAHSILDAR (RR),**
   THRISSUR-20.

2. **THE EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS-
   WELFARE FUND BOARD,
   NEAR GROUND, AYYANTHOLE P.O.,
   THRISSUR-3.

BY GOVT. PLEADER, SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 37284 OF 2007 L

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Dated this the 17th December, 2007

J U D G M E N T

First petitioner is a defaulter to the 2nd respondent and revenue recovery proceedings have been initiated against the properties owned by the 1st petitioner. It is submitted by the 1st petitioner that the 2nd petitioner has come forward and expressed his willingness to purchase the property and the petitioner now seeks is that further proceedings pursuant to Ext. P1 notice be deferred for a period of two months as in the meanwhile the 1st petitioner is confident that he will be able to complete the sale with the 2nd petitioner and discharge the liability in full.

2. I heard the counsel for the 2nd respondent also.

3. Though the 2nd respondent cannot be faulted for the recovery action that has been initiated, the petitioner is justified in seeking that the proceedings be deferred for a reasonable time to liquidate the liability and thus avoid a distress sale of the property.

4. Accordingly I dispose of this writ petition itself directing that further proceedings pursuant to Ext. p1 shall be deferred for two months. In the meanwhile the attachment already effected will continue and it is open the 1st petitioner to raise funds, discharge the liability and get the property released out of sale.

ANTONY DOMINIC
JUDGE

jan/-